

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : KLAUS UNSICKER, ET AL.  
Application No. :  
Filed : Herewith  
For : NEUROPROTECTIVE PROPERTIES OF GDF-15, A NOVEL  
MEMBER OF THE TGF- $\beta$  SUPERFAMILY  
Examiner :  
Attorney's Docket : MBP-007XX

Group Art Unit:

\* \* \* \* \*  
I hereby certify that this correspondence is being deposited with the  
United States Postal Service as first class mail in an envelope  
addressed to: Commissioner for Patents, Washington, D.C. 20231 on  
\_\_\_\_\_.

By: \_\_\_\_\_  
Charles L. Gagnebin III  
Registration No. 25,467  
Attorney for Applicant(s)

\* \* \* \* \*  
INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
Washington, D.C. 20231

Sir:

It is desired to cite for the record in this application the  
enclosed references listed on the attached copy of PTO Form #1449. The  
paragraph(s) marked below are applicable to this Information Disclosure  
Statement.

- [X] (1) Pursuant to 37 C.F.R. § 1.97(b)(1) and (2), the attached  
Information Disclosure Statement is being filed within three  
months of the filing date of the above identified national  
application or within three months of the date of entry of the  
national stage as set forth in 37 C.F.R. § 1.491 of the above  
identified application. Accordingly, applicant(s) believes that  
no fee or statement under 37 C.F.R. § 1.97(e) is required.

- [ ] (2) Pursuant to 37 C.F.R. § 1.97(b)(3), applicant(s) believes the attached Information Disclosure Statement is being filed before the mailing date of a first Office action on the merits. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.
- [ ] (3) Pursuant to 37 C.F.R. § 1.97(b)(4), applicant(s) believes the attached Information Disclosure Statement is being filed before the mailing date of a first Office action after the filing of a request for continued examination under § 1.114. Accordingly, applicant(s) believes that no fee or statement under 37 C.F.R. § 1.97(e) is required.
- [ ] (4) Pursuant to 37 C.F.R. § 1.97(c), the attached Information Disclosure Statement is being filed before the mailing date of a final action or a notice of allowance and is accompanied by:
- [ ] a statement under 37 CFR § 1.97(e); or
- [ ] the fee set forth in § 1.17(p).

PETITION UNDER 37 CFR § 1.97(d)

- [ ] (5) Pursuant to 37 CFR § 1.97(d), applicant(s) hereby petitions the Commissioner to consider the attached Information Disclosure Statement which is being filed on or before payment of the issue fee. This petition is accompanied by a statement under 37 C.F.R. § 1.97(e) and the petition fee set forth in 37 C.F.R. § 1.17(p).

STATEMENT UNDER 37 C.F.R. § 1.97(e)(1)

- [ ] (6) The undersigned hereby states that each item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

STATEMENT UNDER 37 C.F.R. § 1.97(e)(2)

- [ ] (7) The undersigned hereby states that no item of information contained in the attached Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in the attached Information Disclosure

Attorney Docket No. MBP-007XX  
Filed: Herewith  
Group Art Unit:

Statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

The filing of this Information Disclosure Statement is not a representation by the undersigned as to personal knowledge of the contents of every word or phrase of the material enclosed or that reliance on other suitably trained professionals has not been made.


If a search report of a searching agency is enclosed identifying the nature of the relevance of each document, such a designation is deemed to satisfy 37 C.F.R. § 1.98(a)(3) even if in a foreign language because the codes are the same in all languages. However, applicant(s) does not necessarily adopt the position reflected by that report.

These references were cited in an International Search Report (copy enclosed) which issued in International Application No. PCT/EP00/04445 filed 16 May 2000.

The Commissioner is hereby authorized to charge payment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 23-0804. Triplicate copies of this letter are enclosed.

Respectfully submitted,

KLAUS UNSICKER, ET AL.

By:   
Charles L. Gagnebin III  
Registration No. 25,467  
Attorney for Applicant(s)

WEINGARTEN, SCHURGIN,  
GAGNEBIN & LEOVICI LLP  
Ten Post Office Square  
Boston, Massachusetts 02109  
Telephone: (617) 542-2290  
Telecopier: (617) 451-0313

Date: 11-16-01

CLG/mc/261879-1  
Enclosure

Date: November 16, 2001

Page 1 of 1

<b>Form PTO-1449</b> <b>(REV. 07/01)</b>  <b>U.S. DEPARTMENT OF COMMERCE</b> <b>PATENT AND TRADEMARK OFFICE</b>  <b>INFORMATION DISCLOSURE CITATION</b> <i>(Use several sheets if necessary)</i>	<b>ATTY. DOCKET NO.</b> <b>MBP-007XX</b>	<b>APPLICATION NO.</b>
<b>APPLICANT:</b> <b>KLAUS UNSICKER, ET AL.</b>		
<b>FILING DATE</b> <b>Herewith</b>		<b>GROUP</b>

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE*

FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES      NO
		* WO 97/00958	1/9/97	PCT International			X
		* WO 98/11224	3/19/98	PCT International			X

OTHER DOCUMENTS (including Author, Title, Date, Pertinent Pages, etc.)	
	* BOOTCOV, M.R., et al., "MIC-1, a novel macrophage inhibitory cytokine, is a divergent member of the TGF- $\beta$ superfamily." PROC NATL ACAD SCI, USA (October 14, 1997) 94(21):11514-9, XP002146474.
	* BÖTTNER, M., et al., "Expression of a novel member of the TGF- $\beta$ superfamily, growth/differentiation factor-15/ macrophage-inhibiting cytokine-1 (GDF-15/MIC-1) in adult rat tissues." CELL TISSUE RES (July 1999) 297:103-110, XP000937690.

<b>EXAMINER</b>	<b>DATE CONSIDERED</b>
-----------------	------------------------

\*EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

CLG/mc/261891-1

**\* REFERENCES FURNISHED BY INTERNATIONAL BUREAU**